

**FAX MEMORANDUM****FAX RECEIVED**

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**DATE:** Tuesday, August 29, 2000

**FROM:** MaryJane Nicolas-Carrion for H. Thomas Anderton

**NO. OF PAGES:** 5 (including cover)

**RE:** U.S. Serial No. 09/057,150  
For: Methods of Evaluating Specific Cellular Functions of Receptor  
Protein Tyrosine Kinases in A Ligand Independent Manner  
SUGEN Docket No. 201 US

Please see attached Response in reference to the above-captioned patent application.

**SUGEN, Inc.**

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Atty. Decker No. 201 US

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE**

Sir:

In response to the Office Action mailed June 29, 2000, Applicants request that the following remarks be considered and made of record in the above-captioned application.

**REMARKS****1. THE EXAMINER'S REQUIREMENT**

The Examiner issued the above-mentioned Office Action, mailed June 29, 2000. In the Office Action, the Examiner issued an election of one the following (allegedly) patentably distinct species:

- A. In Claim 23, as set forth in paragraph 2A of the Office Action, allegedly patentably distinct species reciting a) a peptide less than 20 amino acids; b) a non-peptide organic molecule; and c) an antibody;
- B. In Claim 24, as set forth in paragraph 2B) of the Office Action, allegedly patentably distinct species reciting a) cell size; b) cell shape; c) cell proliferation; d) cell differentiation; e) cell survival; f) cell death; and g) utilization of metabolic nutrient;
- C. In claim 28, as set forth in paragraph 2C of the Office Action, allegedly patentably distinct species reciting a) a protein comprising an SH2 domain; b) a protein comprising an SH3 domain; c) a protein comprising a guanine nucleotide exchange factor; d) a protein comprising a phosphatase; and e) a protein comprising a kinase; and
- D. In the application (and supposedly the claims generally) as set forth in paragraph 2D of the Office Action, allegedly patentably distinct species reciting a) a phenotype directed to protein kinase catalytic activity of a C-RET receptor protein; and b) a phenotype directed to the interaction between a C-RET and a natural binding partner.

This remarks section sets forth an election in each of the above-outlined cases and sets forth Applicant's remarks.

**2. APPLICANT'S ELECTION****A. Election of species set forth in paragraph 2A of the Office Action**

According to the Office Action, Claim 23 is generic to a plurality of (allegedly) patentably distinct species comprising species identified in the claim as:

- I. an invention reciting the peptide less than 20 amino acids;
- II. an invention reciting the non-peptide organic molecule; and